

97-60, title I, § 114, Oct. 14, 1981, 95 Stat. 995; Pub. L. 99-145, title VI, § 633(a), Nov. 8, 1985, 99 Stat. 646; Pub. L. 100-26, § 8(e)(4), Apr. 21, 1987, 101 Stat. 286; Pub. L. 100-180, div. A, title VI, § 623(a), (b), Dec. 4, 1987, 101 Stat. 1101; Pub. L. 100-224, § 5(a)(2), Dec. 30, 1987, 101 Stat. 1538; Pub. L. 100-456, div. A, title XII, § 1233(l)(1), Sept. 29, 1988, 102 Stat. 2058; Pub. L. 101-510, div. A, title XIII, § 1322(c)(1), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102-25, title VII, § 702(b)(1), (2), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-190, div. A, title XI, § 1111(d)(2), Dec. 5, 1991, 105 Stat. 1492.)

## AMENDMENTS

1991—Pub. L. 102-25 struck out “of this section” and “of this subsection” wherever appearing in subsecs. (a) and (d).

Subsec. (b). Pub. L. 102-190, in table pertaining to warrant officers, added provisions relating to pay grade W-5 in two places.

1990—Subsec. (e). Pub. L. 101-510 struck out subsec. (e) which read as follows: “The Secretary of Defense shall report to the Congress before January 1 each year—

“(1) the number of enlisted members and officers, by pay grade, who, during the preceding fiscal year, had at least 12 but less than 18 years of submarine service and who were entitled to continuous monthly submarine duty incentive pay under subsection (a) of this section; and

“(2) the number of enlisted members and officers, by pay grade, who, during such fiscal year, had at least 18 years of submarine service and who were entitled to such incentive pay.

The Secretary shall include in each such report the number of enlisted members and the number of officers in each category referred to in the first sentence of this subsection, the number of such officers who, during the fiscal year concerned, were performing operational submarine duties, who were performing submarine command staff duties, and who were not performing submarine duties at all.”

1988—Subsec. (a). Pub. L. 100-456 made clarifying amendment to directory language of Pub. L. 100-180, § 623(a). See 1987 Amendment note below.

1987—Subsec. (a)(1), (2). Pub. L. 100-180, § 623(a), as amended by Pub. L. 100-456, substituted “naval service” for “Navy”.

Subsec. (a)(5). Pub. L. 100-26 substituted “In this section:” for “For the purposes of this section, the term—”, inserted “The term” at beginning of subpars. (A) and (B), and substituted “operational” for “Operational” and “submarine” for “Submarine” in subpars. (A) and (B), respectively.

Subsec. (b). Pub. L. 100-224 struck out, preceding table for enlisted members, “(b) The monthly rates for special pay under subsection (a) are as follows:” which had inadvertently been inserted as a second subsec. (b) by Pub. L. 100-180, § 623(b).

Pub. L. 100-180, § 623(b), amended tables generally so as to reflect an upward adjustment in monthly incentive pay rates for enlisted members, commissioned officers, and warrant officers of all pay grades and years of service encompassed by tables.

1985—Subsec. (b). Pub. L. 99-145 amended table pertaining to commissioned officers generally, so as to reflect an upward adjustment in monthly incentive pay rates for persons in pay grades O-6 through O-3 having over 18, over 20, over 22, and over 26 years of service, respectively.

1981—Subsec. (a)(1). Pub. L. 97-39, § 701(a), substituted provisions set forth as cls. (A) to (C) respecting conditions for continuous monthly submarine duty incentive pay for provisions relating to payment of incentive pay for the frequent and regular performance of operational submarine duty required by orders.

Subsec. (a)(2). Pub. L. 97-39, § 701(a), substituted provisions relating to payment of submarine duty incen-

tive pay for provisions relating to restrictions on payment of submarine duty incentive pay.

Subsec. (a)(3), (4). Pub. L. 97-60 inserted “, but excluding, in the case of an officer, periods as an enlisted member before initial appointment as an officer” after “(as computed under section 205 of this title)” in three places.

Subsec. (a)(5)(A)(i). Pub. L. 97-39, § 701(b), inserted provisions relating to service as an operator or crew member of an operational submersible.

## EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as a note under section 521 of Title 10, Armed Forces.

## EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 applicable as if included in enactment of Pub. L. 100-180, see section 1233(l)(5) of Pub. L. 100-456, set out as a note under section 2366 of Title 10, Armed Forces.

## EFFECTIVE DATE OF 1987 AMENDMENT

Section 623(c) of Pub. L. 100-180 provided that:

“(1) Subject to paragraph (2), the amendments made by this section [amending this section] shall take effect on the first day of the first month beginning after the date of the enactment of this Act [Dec. 4, 1987] and shall apply only with respect to duty performed on or after that date.

“(2) The amendments made by this section shall take effect only if legislation as described in section 3(c) is enacted [section 3(c) of Pub. L. 100-180, which is not classified to the Code].”

## EFFECTIVE DATE OF 1985 AMENDMENT

Section 633(b) of Pub. L. 99-145 provided that: “The amendment made by this section [amending this section] shall take effect on October 1, 1985.”

## EFFECTIVE DATE OF 1981 AMENDMENT

Section 701(c) of Pub. L. 97-39 provided that: “The amendments made by this section [amending this section] shall take effect as of January 1, 1981.”

## EFFECTIVE DATE

Section 3(g) of Pub. L. 96-579 provided: “The amendments made by this subsection [probably means section 3 of Pub. L. 96-579, which enacted this section and amended sections 301 and 308 of this title] shall become effective on the first day of the first month following the month in which this Act is enacted [December, 1980].”

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 308 of this title.

**§ 301d. Multiyear retention bonus: medical officers of the armed forces**

(a) BONUS AUTHORIZED.—(1) A medical officer described in subsection (b) who executes a written agreement to remain on active duty for two, three, or four years after completion of any other active-duty service commitment may, upon acceptance of the written agreement by the Secretary of the military department concerned, be paid a retention bonus as provided in this section.

(2) The amount of a retention bonus under paragraph (1) may not exceed \$14,000 for each year covered by a four-year agreement. The maximum yearly retention bonus for two-year and three-year agreements shall be reduced to reflect the shorter service commitment.

(b) ELIGIBLE OFFICERS.—This section applies to an officer of the armed forces who—

(1) is an officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer;

(2) is in a pay grade below pay grade O-7;

(3) has at least eight years of creditable service (computed as described in section 302(g) of this title) or has completed any active-duty service commitment incurred for medical education and training; and

(4) has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into an agreement under subsection (a)).

(c) REFUNDS.—(1) Refunds shall be required, on a pro rata basis, of sums paid under this section if the officer who has received the payment fails to complete the total period of active duty specified in the agreement, as conditions and circumstances warrant.

(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under such agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 after November 5, 1990.

(Added Pub. L. 101-510, div. A, title VI, §611(a)(1), Nov. 5, 1990, 104 Stat. 1576; amended Pub. L. 102-484, div. A, title X, §1054(a)(2), Oct. 23, 1992, 106 Stat. 2502.)

#### AMENDMENTS

1992—Subsec. (c)(2). Pub. L. 102-484, §1054(a)(2)(A), substituted “owed” for “owned”.

Subsec. (c)(3). Pub. L. 102-484, §1054(a)(2)(B), substituted “November 5, 1990” for “the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991”.

#### ELIGIBILITY OF FLAG AND GENERAL OFFICERS FOR MULTIYEAR RETENTION BONUS FOR MEDICAL OFFICERS

Pub. L. 102-190, div. A, title VI, §615, Dec. 5, 1991, 105 Stat. 1377, provided that:

“(a) REITERATING INELIGIBILITY.—The restriction contained in subsection (b)(2) of section 301d of title 37, United States Code, on the eligibility of flag and general officers serving as full-time physicians to receive a multiyear retention bonus under that section shall not be construed as being limited, modified, or superseded by any provision of law, whether enacted before, on, or after the date of the enactment of this Act [Dec. 5, 1991], unless that provision of law—

“(1) specifically refers to that section and this subsection; and

“(2) identifies the flag and general officers affected by that provision.

“(b) SAVINGS PROVISION.—(1) A medical officer of the Armed Forces who is a flag or general officer and has received any payment of a bonus under section 301d of title 37, United States Code, before the date of the enactment of this Act [Dec. 5, 1991] may not be required to reimburse the United States for such payment by reason of the enactment of subsection (a).

“(2) A written agreement referred to in section 301d of title 37, United States Code, that was entered into on

or after April 10, 1991, and before the date of the enactment of this Act [Dec. 5, 1991] by a medical officer of the Armed Forces referred to in paragraph (1) in exchange for a payment (or a promise of payment) of a bonus under that section shall be terminated as of the later of—

“(A) the end of the month following the month in which this Act is enacted; or

“(B) the end of the period covered by the bonus payment or payments received by that officer as described in that paragraph.”

Pub. L. 102-172, title VIII, §8084, Nov. 26, 1991, 105 Stat. 1192, provided that: “Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), and hereafter, shall not apply in the case of flag or general officers serving as full-time practicing physicians.”

#### TERMINATION OF EXISTING RETENTION BONUS AGREEMENT

Section 611(b) of Pub. L. 101-510 provided that:

“(1) Subject to the approval of the Secretary of the military department concerned, a medical officer who is eligible to enter into a retention bonus agreement under section 301d of title 37, United States Code (as added by subsection (a)) may terminate any existing retention bonus agreement entered into by that officer under [section] 612 of the National Defense Authorization Act, Fiscal Year 1989 [Pub. L. 100-456] (37 U.S.C. 302 note), in order to enter into an agreement under section 301d of such title containing an active-duty service obligation that is not less than the active-duty service obligation remaining under the existing agreement on the date of its termination.

“(2) Subsection (e) of section 612 of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note), shall not apply to the termination, pursuant to paragraph (1), of a retention bonus agreement under that section.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 303a of this title.

### § 302. Special pay: medical officers of the armed forces

(a) VARIABLE, ADDITIONAL, AND BOARD CERTIFICATION SPECIAL PAY.—(1) An officer who is an officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer and who is on active duty under a call or order to active duty for a period of not less than one year is entitled to special pay in accordance with this subsection.

(2) An officer described in paragraph (1) who is serving in a pay grade below pay grade O-7 is entitled to variable special pay at the following rates:

(A) \$1,200 per year, if the officer is undergoing medical internship training.

(B) \$5,000 per year, if the officer has less than six years of creditable service and is not undergoing medical internship training.

(C) \$12,000 per year, if the officer has at least six but less than eight years of creditable service.

(D) \$11,500 per year, if the officer has at least eight but less than ten years of creditable service.

(E) \$11,000 per year, if the officer has at least ten but less than twelve years of creditable service.

(F) \$10,000 per year, if the officer has at least twelve but less than fourteen years of creditable service.